IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.10964 of 1997

Between:

P.S.Ramakrishna Reddy, s/o. Pedda

Subba Reddy, aged 67 years, r/o.

Chennarayanapalli village,

T.Sadam Post, PTM Mandal,

Chittoor District. ..Petitioner

AND

1. Mandal Revenue Officer,

   P.T.M. Mandal,

   Chittoor District.

2. Revenue Divisional Officer,

   Madanapalli,

   Chittoor District. .. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction forbearing the

respondents from assigning pattas to third parties and dispossess the petitioner from the site and houses situate in S.No.981, admeasuring about Ac.0-5 of Chinnarayanaipalli, H/o.T.Sadam, P.T.M. Mandal, Chittoor District holding that the respondents have no authority of law to assign the said land to others.

Counsel for the petitioner : Sri Noushad Ali

Counsel for the respondents : G.P. for Assignment

The Court made the following :

ORDER:

Heard both the Counsel.

The Writ Petition is filed for a writ, order or direction forbearing the respondents from assigning pattas to third parties and dispossess the petitioner from the site and houses situate in S.No.981, admeasuring about Ac.0-5 of Chinnarayanaipalli, H/o.T.Sadam, P.T.M. Mandal, Chittoor District holding that the respondents have no authority of law to assign the said land to others and to pass such other suitable orders.

The claim of the petitioner is that the property is his ancestral property and this was the subject matter of partition in suit O.S.No.37/46 on the file of Sub-Court, Chittoor and final decree proceedings in I.A.NO.420/48 dated 15-12-1951. It is also stated that the property is shown as Item No.4 of Schedule A-1. However the respondents had taken a stand that this is the land belonging to the Government and not the private property.

Be that as it may, the fact that the petitioner is in possession of this property is not in controversy. This Court had granted interim direction in the year 1997. In view of the peculiar facts and circumstances, especially in the light of the prior judicial proceedings, the respondents are hereby directed not to disturb the possession of the petitioner in relation to the land in question except by following the due process of law.

The Writ Petition is accordingly disposed of. No order as to costs.

P.S.Narayana.,J

Date : 25-11-2004

AM

To:

1. Mandal Revenue Officer,

P.T.M. Mandal,

Chittoor District.

2. Revenue Divisional Officer,

Madanapalli,

Chittoor District.

3. 2 copies to G.P. for Assignment,

High Court of Andhra Pradesh,

High Court Buildings,

Hyderabad (OUT).

4. 2 C.D. copies